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Fifth report of the Secretary-General on the United Nations Integrated Office in Burundi

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1858 (2008), by which the Council extended the mandate of the United Nations Integrated Office in Burundi (BINUB) and requested me to report by May 2009 on the implementation of the mandate of BINUB, including on the results of the technical assessment mission conducted in March 2009. Accordingly, the report provides an update on major developments in Burundi since my previous report, of 28 November 2008 (S/2008/745), and summarizes the findings of the technical assessment mission.

II. Major developments

A. Peace process

2. The period under review witnessed significant breakthroughs in the peace process. At a Summit of the Heads of State and Government of the Great Lakes region, held in Bujumbura on 4 December 2008, the Government of Burundi, the Forces nationales de libération (FNL) and attending Heads of State signed a Declaration in which FNL agreed to consult its membership, by 31 December, on changing the movement's name in compliance with Burundian law. The Declaration also called for the commencement of the disarmament, demobilization and reintegration of FNL and the political integration of its leadership, and the President of Burundi, Pierre Nkurunziza, committed himself to reserve 33 civil service posts for senior FNL members. The President also reiterated his commitment to release FNL prisoners. The Summit triggered actions on multiple fronts, re-energizing the peace process after months of stagnation.

3. The Presidency requested the Chairman of FNL, Agathon Rwasa, to submit by 24 December a list of members of his movement to be considered for the proposed posts. FNL, however, maintained that the Government should first consult it on the level of those posts. Meanwhile, the Government authorized the release of 247 FNL prisoners and, by 15 January, the Joint Verification and Monitoring Mechanism had supervised the release of 118 of them. FNL however insisted that the Ministry of Justice had agreed to release 422 prisoners in October 2008. In February, the

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Ministry of Justice indicated that the list was under review and no further progress has since been reported.

4. In line with the Summit Declaration commitments, on 4 January, the FNL leadership conducted a series of meetings with FNL members in five provinces to consult them on changing the group's name. The vast majority of FNL members accepted the principle of changing the name in line with the legal requirements for political party accreditation. On 9 January, Mr. Rwasa issued a landmark declaration stating that the movement had changed its name from "Parti pour la libération du peuple Hutu-forces nationales de libération" (Palipehutu-FNL) to "FNL". The removal of the ethnic reference lifted one of the principal points of contention that had blocked progress in the peace process. Early in January, the Government and FNL resolved another key outstanding issue by agreeing to use the arms-to-combatant ratios of 2004-2005 as a platform for discussions on the disarmament and integration of FNL.

5. On 16 and 17 January, the South African Facilitator, Charles Nqakula, convened a two-day meeting of the two parties and the Group of Special Envoys for Burundi in Bujumbura to review progress made in the peace process and discuss outstanding issues. The Special Envoys welcomed the advances since the Summit of 4 December, but stressed that the Government and FNL bore the primary responsibility for overcoming the remaining obstacles in the implementation of the Comprehensive Ceasefire Agreement. The Facilitator reported that the close protection team of the African Union Special Task Force would continue to provide security to the FNL senior leadership until the end of 2009 and that the mandates of the Facilitation and the African Union Special Task Force would be extended until 31 March 2009. The meeting culminated in the Bujumbura Declaration reflecting the respective time-bound commitments of the Government and FNL regarding: (a) the commencement of the disarmament, demobilization and reintegration process by 30 January; (b) the release of remaining FNL prisoners by 21 January; (c) the separation and release of children associated with FNL combatants by 30 January; and (d) the submission of an application to the Ministry of the Interior for the political accreditation of FNL.

6. FNL submitted its application for registration as a political party to the Ministry of the Interior on 30 January. Subsequently, the Government issued several statements recalling that FNL would be registered only after the full separation of its political and military wings. In mid-March, following meetings with President Nkurunziza and the FNL Chairman, the Facilitator called for the commencement of the assembly and disarmament of FNL combatants, following which the formal assembly of FNL began as a first wave of 3,475 elements voluntarily disarmed and was transported to the Rubira assembly area on 16 March.

7. While negotiations on the integration of FNL into the security and defence forces continued, the number of arms turned in by FNL remained low. On 2 April, the Government reopened the Gitega demobilization centre to accommodate the first intake of 112 children separated from FNL combatants. The separation of children represented an important milestone in the implementation of the Comprehensive Ceasefire Agreement.

8. On 8 April, the Facilitator convened a meeting of the Political Directorate in Pretoria attended by the FNL Chairman and Government representatives. In another milestone development, the national parties agreed that 3,500 FNL elements would

be integrated into the security and defence forces, while 5,000 would be demobilized and 11,000, including 1,000 women, would be treated as adults associated with the movement, to be granted subsidies to help them to return to their communities. Special packages were accorded to women in conformity with the spirit of Security Council resolution 1325 (2000). On the basis of progress achieved by the joint Government/FNL high-level committees, the Government again committed itself to the swift release of the remaining FNL prisoners. Agreement was also reached to speed up the filling of the 33 civil service posts in accordance with the Declaration of 4 December 2008. It was further agreed that FNL would be accredited as a political party upon the surrendering of its weapons to the African Union Special Task Force.

9. At the same meeting of the Political Directorate, it was proposed that a Partnership for Peace in Burundi should be established as a successor structure to the Office of the Facilitation, to monitor the completion of the peace process and to help ensure the sustainability of the gains achieved. This structure would include the Political Directorate, the secretariat of the International Conference on the Great Lakes Region, the Group of Special Envoys on Burundi, the Peacebuilding Commission and BINUB. The mandate and the composition of the structure will be further discussed by the Facilitator and the international community in Burundi at a meeting scheduled for 27 May.

10. A most decisive step forward in the peace process was taken when the FNL Chairman disarmed and registered for demobilization at a public ceremony on 18 April. On 21 April, FNL combatants in pre-assembly areas surrendered outstanding weapons to the African Union Special Task Force. On the same day, the disarmament of FNL was formally certified by the Facilitation, and the Ministry of the Interior accredited FNL as the forty-second political party in Burundi.

11. By 22 April, FNL elements scheduled for integration were transported to military and police facilities. This included 390 elements selected for the Joint Protection Unit, which is to provide security to the FNL leadership upon the departure of the close protection team of the African Union Special Task Force.

12. In order to effectively support the disarmament, demobilization and reintegration of FNL following the closure of the World Bank's Multi-country Demobilization and Reintegration Programme on 31 December, a new three-part configuration has been established, led and supported by multiple actors: (a) assembly, disarmament and verification under the leadership of the Joint Verification and Monitoring Mechanism, supported by the Facilitation, the African Union, the Government and BINUB; (b) demobilization and reintegration led by the Technical Coordination Team of the National Commission for Demobilization, Reintegration and Reinsertion, with support from the World Bank; and (c) a strategy for long-term socio-economic reintegration of ex-combatants at the community level to be developed under the leadership of the Government with the support of the United Nations Development Programme (UNDP) and other international partners.

13. United Nations agencies have begun laying the groundwork for work to be undertaken by the United Nations system in the area of longer-term socio-economic reintegration of former FNL combatants through the start, in April, of a pilot project funded by the Peacebuilding Fund. The project includes support for both the reintegration of conflict-affected populations in several provinces and the

reinforcement of State capacities in developing and coordinating a national reintegration programme.

B. Political developments

14. In my previous report, I informed the Council about the persistent lack of inclusive political dialogue between the ruling CNDD-FDD party and the political opposition, and cases of disruption by local authorities of the activities of opposition political parties, including the breaking up of meetings and intimidation. Whereas disruptions continued to be reported, the political climate improved somewhat during the reporting period after compromises were reached on the composition and establishment of the Independent National Electoral Commission. This followed repeated calls by the political opposition and the international community, including BINUB, for inclusive dialogue as well as respect for the rule of law and democratic principles.

15. Restrictions on the freedom of assembly of opposition political parties imposed by local administrators affiliated to the ruling CNDD-FDD party persisted, despite the repeal in November 2008 of an order issued by the Minister of the Interior, which had significantly limited the activities of political parties and associations. There were also reports of destruction or confiscation of opposition parties' symbols, such as flags. Meanwhile, acts of arson were committed against a number of CNDD-FDD installations, which elicited protests from party members.

16. Throughout the reporting period, a number of parties expressed concern about sporting activities of youth members of the ruling party, which they alleged were designed to intimidate the local population. In response, the Minister of the Interior asked local administrative officials to monitor the activities of those groups. In February, the First Vice-President expressed support for the activities conducted by CNDD-FDD youth members by stating that they contributed to the promotion of a sense of community. However, he called on local administrators and law enforcement agencies to closely monitor those activities to ensure that they are not manipulated for political ends. There were in addition reports of the enrolment of demobilized CNDD-FDD combatants as new party members by the opposition FRODEBU party in various provinces. Several were reported to have been killed in the weeks that followed their enrolment.

17. On 12 December, President Nkurunziza issued a decree outlining the mandate and organization of the Electoral Commission that superseded the initial decree issued in June 2008. The new decree introduced a series of measures significantly increasing the prerogatives of the Executive over the Commission. On 20 January, the President convened an extraordinary parliamentary session to approve the list of the five selected members of the Commission. Neither chamber of Parliament endorsed the President's list, citing a lack of consultation and lack of inclusiveness in the selection of Commission members. The political opposition and civil society organizations called for consultations on the selection of Commission members, and a revision of the electoral legal framework ahead of the 2010 elections. Heeding these calls, President Nkurunziza initiated consultations with the main political parties following which he presented a new list of Commission members, which was approved by Parliament on 13 February.

18. On 29 January, President Nkurunziza signed a decree reshuffling his Cabinet. The decree appointed four new ministers to the Cabinet, transferred certain ministers to new portfolios, and elevated vice-ministries to full ministries. Sahwanya-Front pour la démocratie au Burundi (Sahwanya-FRODEBU) and the Union pour le progrès national (UPRONA), which cohabit in the current Government, reacted by stating that the new configuration had resolved previous conflicts of jurisdiction between ministries and vice-ministries.

19. On 4 March, President Nkurunziza issued a third decree on the organization and mandate of the Electoral Commission, replacing the decree of December 2008 and modifying the provisions that had been a cause for concern for the political opposition. A further decree officially appointing the five members of the Commission approved by Parliament was issued on 13 March.

20. Despite the encouraging developments related to the Electoral Commission, opposition political parties reiterated their concerns about the continuing restrictions on their freedom of association and assembly imposed by local administrators affiliated to CNDD-FDD. On 5 March, the Minister of the Interior held a meeting with representatives of 29 accredited parties, who took this opportunity to denounce the persistent restrictions. The Minister held a press conference on 18 March, recalling that the electoral campaign had not yet begun. He specifically denounced the FRODEBU opposition party for allegedly holding a pre-electoral campaign event. The political opposition pointed out, however, that the ruling CNDD-FDD party had held numerous public events.

21. On 29 March, CNDD-FDD held its ordinary congress in Kayanza. It resulted in amendments to the party statutes allowing the party's Conseil des Sages, which is chaired by President Nkurunziza, to designate the party candidate for the presidential election.

C. Security situation

22. The security situation in Burundi, especially in the north-western provinces, saw some improvement during the period under review, as advances were made in the peace process. Accordingly, the United Nations security phase was adjusted from IV to III in Bujumbura Rural and Bubanza Provinces, thus bringing the entire country under security phase III. Criminal activities perpetrated by alleged FNL elements, former combatants, members of the security forces, and unidentified armed individuals, persisted however, throughout the country. These included killings, abductions, rapes, lootings, armed robberies, grenade attacks, ambushes and violent incidents related to land conflicts.

23. In addition, there have been a number of incidents, sometimes violent, involving FNL elements waiting to demobilize, or who have been found to be ineligible to participate in the disarmament, demobilization and reintegration programme, and are instead considered to be "associated adults", a status which confers reduced benefits. One FNL member was killed in the course of those incidents. Efforts to accelerate operations and manage expectations of the remaining caseload were ongoing at the end of April.

24. During the reporting period there have been several mostly peaceful, if unauthorized, demonstrations by individuals claiming to be former personnel of the

United Nations Operation in Burundi (ONUB). Local authorities have been seized of the matter, with a view to preventing the recurrence of violent incidents in connection with past demonstrations of this kind.

D. Regional aspects

25. The Council of Ministers of the Economic Community of the Great Lakes Countries met on 12 December in Bujumbura. The ministers agreed to relaunch the Development Bank of the Great Lakes States. They also recommended closer cooperation between the Economic Community of the Great Lakes Countries and the International Conference on the Great Lakes Region. On 22 December, Rwanda announced its allocation of US$ 1 million for the payment of Burundi's membership fees for the East African Community (EAC). In January, the Government announced that Burundi will enter the EAC Customs Union in July.

III. Activities related to the Peacebuilding Commission

26. In his capacity as Chairperson of the Burundi configuration of the Peacebuilding Commission, Ambassador Anders Lidèn of Sweden attended the meeting of the Group of Special Envoys on Burundi in Bujumbura in January. During his visit, Ambassador Lidèn consulted with the Government, resident embassies of Peacebuilding Commission members, the European Union and BINUB on progress made since his previous visit, in October 2008. He reaffirmed the Peacebuilding Commission's commitment to support the peace process and peacebuilding through advocacy, resource mobilization and coordination of international support.

27. On 4 February, the Government submitted its second biannual progress report on the implementation of the Strategic Framework for Peacebuilding. The Peacebuilding Commission reviewed the biannual report, and specific recommendations for all sectors of activity were incorporated. The Commission committed itself to support the implementation of the peace process; provide support for and monitor national efforts to create an environment conducive to free, fair and peaceful elections in 2010; mobilize support for the sustainable socio-economic reintegration of all demobilized combatants; encourage partners to better coordinate assistance; and work with the Government of Burundi to review and update the Monitoring and Tracking Mechanism, including to ensure the alignment of the Strategic Framework and the Poverty Reduction Strategy Paper processes.

IV. Peace consolidation activities

A. Democratic governance

28. In the current period, BINUB carried out a number of activities to help improve national dialogue, support the functioning of Parliament, advance reforms in public administration, and support the decentralization process and the fight against corruption.

29. BINUB supported the second phase of the "Cadres de Dialogue" project funded by the Peacebuilding Fund. This phase focused on assisting political parties, civil society, and the private sector to develop work plans for strengthening dialogue as a tool for governance and peace consolidation. In the session for political parties, participants reached a consensus to focus, inter alia, on strengthening the political party system, encouraging permanent dialogue on national issues, and improving the electoral legal framework. Another significant outcome was the decision by the accredited political parties to create a permanent forum for dialogue among them. The forum is expected to be formally established by the Government in the second half of 2009.

30. BINUB and UNDP supported the adoption of a reform strategy paper on 31 March by an inter-ministerial working group. The paper addressed the public administration reform guidelines set out by the joint UNDP/Economic Commission for Africa Governance Forum. This paper will also provide the basis for the Government's elaboration of a formal public administration reform programme.

31. In order to enhance the effectiveness of Parliament, BINUB provided training focusing on strengthening its administration. BINUB also supported the development of a comprehensive national decentralization policy paper, which was validated at a workshop on 26 March attended by President Nkurunziza, ministers, parliamentarians, provincial governors and civil society organizations. Once adopted by the Government, the policy will be implemented through a three-year action plan. BINUB further supported sensitization workshops for Government officials, police officers, magistrates and civil society representatives on the national anti-corruption legal framework, as part of a Peacebuilding Fund project focusing on strengthening anti-corruption mechanisms.

B. Security sector reform and small arms

32. During the reporting period, BINUB assisted the Service national de renseignement in finalizing its code of ethics and preparing its sub-sectoral strategic plan. It also provided training to Parliament on civilian oversight of the security sector and, with UNDP, handed over to the Government 14 rehabilitated army barracks.

33. BINUB continued to provide awareness training on gender-based violence to specialized police units and contributed to other international partners' training for the national police in preparation for elections. BINUB also provided training on professional ethics and deontology, addressing police misconduct and abuses and investigation techniques. Logistics training as well as vehicles, office and communications equipment were provided under a Peacebuilding Fund project aimed at improving the national police's resource management and community presence.

34. As civilian disarmament continues to be a major concern for public security, BINUB has supported the establishment of the National Commission for Civilian Disarmament. With support from BINUB and UNDP, the Commission launched a communication strategy for its civilian disarmament programme in Bujumbura Mairie. At the same time, the national police continued to conduct search and cordon operations to confiscate illegal arms. Since the beginning of 2008, some

7,600 small arms have been collected and destroyed under joint United Nations/Government supervision.

35. In 2009, BINUB and UNDP began rehabilitating three police armories in Bujumbura Mairie. Efforts have continued to support national security and defence forces in developing their arms marking, tracing, storage, and destruction capabilities.

C. Human rights

36. Despite limited improvement in the overall human rights situation during the reporting period, impunity continued to be a source of serious concern, in particular for sexual and gender-based crimes.

37. Five persons with albinism were mutilated and killed from December 2008 to March 2009, bringing to 10 the number of albinos killed since August 2008. The authorities apprehended 12 suspects in connection with those killings.

38. In my previous report, I informed the Council about a number of cases in which persons were held in pre-trial detention on charges of defamation of State or ruling party officials. In this context, the leader of the unregistered Mouvement pour la solidarité et la démocratie, Alexis Sinduhije, was acquitted on 11 March of charges of slandering the Head of State. Journalist Jean-Claude Kavumbagu was also acquitted on 18 March of all charges of criminal defamation pertaining to an article he published on the President's travel expenditure.

39. From 15 January to 16 February, at least 1,406 alleged illegal aliens were expelled from Burundi, resulting in a number of reported human rights violations. In April 2009, the Ministers in charge of the operation recognized before Parliament that there were irregularities in the expulsions, and reported that measures were being taken to ensure that the relevant law and decrees would be adhered to when operations are restarted.

40. On 8 April, the Vice-President of the anti-corruption non-governmental organization Observatoire de lutte contre la corruption et les malversations économiques, Ernest Manirumva, was killed. The investigation is ongoing and judicial officials have welcomed support offered by the United States Federal Bureau of Investigation and INTERPOL.

41. Along with other partners, BINUB provided advice on the revision of the penal code by Parliament. The revision included a number of significant advances such as the abolition of the death penalty and criminalization of torture and acts of genocide, war crimes and crimes against humanity. However, the final version of the adopted penal code, promulgated by the President on 22 April, maintained the criminalization of homosexuality in contravention of Burundi's obligations under the International Covenant on Civil and Political Rights.

42. At the conclusion of his eleventh visit to the country in January 2009, the Independent Expert on the situation of human rights in Burundi commended the Government for the commitment made on the occasion of the universal periodic review of Burundi in December 2008, to establish an Independent National Human Rights Commission in compliance with the Paris Principles with a strong mandate. Meanwhile, in its efforts to support the establishment of the Commission, BINUB

organized a workshop in January for Members of Parliament and other national stakeholders, with the participation of invitees from similar institutions in other African countries. The bill on the Commission's establishment approved by the Council of Ministers in November 2008 does not, however, conform to the Paris Principles, and has not yet been sent to Parliament for debate.

43. BINUB continued its training in human rights and international humanitarian law for military and police officers. BINUB also conducted a number of events designed to promote public awareness of specific human rights issues. In response to continuing challenges relating to sexual and gender-based violence, a workshop was held to explore ways in which Security Council resolution 1820 (2008) might be implemented in the Burundian context. BINUB also organized a radio debate and public airing of sexual and gender-based violence concerns, which drew participation from ministers, parliamentarians, the national police, religious leaders, and United Nations experts.

D. Transitional justice

44. In the area of transitional justice, in my previous reports I highlighted the outstanding issues with the Government of Burundi relating to the establishment of transitional justice mechanisms, in particular the creation of a Special Tribunal and a Truth and Reconciliation Commission, as part of the process initiated under Security Council resolution 1606 (2005). No agreement has been reached on the fundamental principles related to the establishment of the two mechanisms, most notably, the non-applicability of amnesty for the crime of genocide, crimes against humanity and war crimes; the relationship between the proposed Truth and Reconciliation Commission and the proposed Special Tribunal; and the independence of the prosecutor of the Special Tribunal.

45. Given this divergence of views, an interim agreement was reached between the Government of Burundi and the United Nations in November 2007 that allowed for the establishment of a Tripartite Steering Committee to carry forward national consultations on the establishment of transitional justice mechanisms. The United Nations, through BINUB, UNDP and the Office of the United Nations High Commissioner for Human Rights (OHCHR), has been supporting preparations for the holding of these national consultations.

46. Pending the outcome of the consultations, the United Nations stands ready to support the Government in the establishment of the proposed mechanisms, should the Government reconsider its position on the outstanding issues mentioned above, especially regarding the creation of a Special Tribunal.

47. The start of national consultations registered further delays for a number of reasons, including difficulties in striking the right balance in the ethnic and gender composition of staff to support the project's execution. Sensitization activities with various stakeholders have continued. The national consultations are now scheduled to begin in June 2009.

E. Justice

48. In the justice sector, with funding provided by the Peacebuilding Fund, BINUB completed two projects on the execution of court judgements and the

construction and renovation of 17 magistrates courts. In all, 33 magistrates courts were inaugurated, 16 of them funded by the Government. A pilot project was launched to improve the administration of courts and the offices of prosecutors in four provinces, including through the donation of vehicles to enhance logistical capacity.

49. BINUB also provided strategic support, along with other partners, for the preparation of a national strategy for juvenile justice, and organized a training-of-trainers course on juvenile justice issues for magistrates, police and social workers. Assistance was also provided for an in-depth review of the establishment of legal aid services, which contributed to the elaboration of an action plan on delivery of legal aid services to the most vulnerable. Other training and capacity-building for magistrates and other judicial personnel continued. This included training on court management and on ethics for magistrates, in tandem with the launch of an initiative to codify a law on ethics for magistrates. BINUB and other partners are also supporting the Ministry of Justice in undertaking a comprehensive needs assessment of the justice sector.

F. Child protection

50. The child protection situation gradually improved during the reporting period. Serious violations of children's rights continued to be reported, however, including sexual violence against children, the killing of children with albinism, and the detention of children in the same facilities as adults. BINUB and UNICEF continued to carry out capacity-building activities and participated in the country task force on the monitoring and reporting of serious violations of children's rights.

51. BINUB and UNICEF closely monitored the situation of children associated with armed groups in Burundi and continued their advocacy for the immediate and unconditional release of children associated with FNL. On 2 April, 112 children associated with FNL, including two girls, were separated and transferred to the newly rehabilitated Gitega demobilization centre. On 10 April, another 228 children associated with the armed wing of FNL in pre-assembly areas were separated and transported to the Gitega centre. With regard to the children associated with the alleged FNL dissidents in Randa and Buramata, 69 of them were waiting to be transferred to the Gitega demobilization centre at the end of the reporting period.

G. Media

52. BINUB provided training to journalists in ethics, press freedoms and investigative reporting. In March, representatives of the media proposed amendments to the 2003 Press Law, with support from BINUB and the National Communication Council. The proposed changes would introduce more flexibility in the legal framework regulating the media. Meanwhile, collaboration between the media and the National Communication Council improved during the reporting period. The Maison de la presse burundaise, the Observatoire de la presse burundaise and the National Communication Council held a retreat in March. The purpose was to promote partnerships between the media and Government authorities and discuss the role of the media during the 2010 electoral process.

H. Gender

53. In accordance with Security Council resolution 1325 (2000), BINUB continued its monitoring and training activities on women's protection, rights and specific needs, as well as the promotion of women's participation in peacebuilding. With regard to the fight against sexual and gender-based violence, BINUB participated in the elaboration and implementation of a national action plan aimed at enhancing the capacities of Government authorities and defence and security forces in addressing women's protection and rights.

I. Humanitarian situation

54. Food insecurity remains of concern, particularly in Burundi's northern provinces, where climatic shocks have resulted in droughts and repeatedly disrupted food production during the reporting period. In December 2008, acute food shortages caused approximately 1,385 heads of household to migrate to neighbouring provinces, and to Rwanda and Uganda. In response to the food shortages, President Nkurunziza and the First Vice-President oversaw the distribution of food aid in January and February 2009. In order to improve food security and the welfare of the population, BINUB is coordinating the work of United Nations agencies and non-governmental organization partners to develop multi-sectoral programmes.

55. Significant progress has been achieved in refugee returns. In November and December 2008, 10,200 refugees returned from the United Republic of Tanzania. In total, 95,049 Burundians returned to Burundi in 2008, the highest number of refugees to return in the course of a single year since the voluntary repatriation operation began in 2002. The Office of the United Nations High Commissioner for Refugees (UNHCR) provided assistance to returnees and monitored their situation throughout the country. In the first quarter of 2009, the return movement slowed down considerably, owing to a request by the Government that the repatriation of the remaining refugees be implemented in phases to allow the Government to improve its absorption capacity.

56. On 26 March, at a tripartite meeting of the Burundian Minister of National Solidarity, the Tanzanian Minister of the Interior and UNHCR, the resumption of refugee returns was announced. More than 60,000 refugees are expected to return in the coming months.

57. The Government of Burundi and its partners have made progress in developing solutions for refugee reintegration. For those returnees whose land was occupied, the Government's National Commission for Land and Other Assets increased its efforts in southern Burundi to resolve conflicts through land sharing. In parallel, the Government, with support from UNHCR and other United Nations agencies, began resettling landless returnees in three newly created integrated villages. Progress has also been made in planning for the creation of up to 11 additional villages during 2009 in provinces bordering the United Republic of Tanzania.

J. Economic situation

58. On 26 January, the International Monetary Fund (IMF) completed the first review of Burundi's economic performance under a programme supported by a three-year Poverty Reduction and Growth Facility arrangement. IMF commended Burundi's performance under the Poverty Reduction and Growth Facility and announced the disbursement of $9.9 million, bringing total disbursement under the programme to $19.9 million. On 10 March, IMF and Burundi published the 2008 annual progress report on the Poverty Reduction Strategy Paper. The report noted progress made and remaining challenges in each of the Poverty Reduction Strategy Paper's four main areas.

59. On 29 December, Parliament adopted the 2009 budget, which amounts to US$ 703 million. This budget represents an increase of approximately 40 per cent over the 2008 budget. It raises Burundi's deficit by an estimated $16.6 million, which authorities expect to be funded by external assistance and debt relief. The non-governmental organization Observatoire de lutte contre la corruption et les malversations économiques deplored the fact that more than 51 per cent of the 2009 budget was earmarked for Government operating costs, thus taking resources away from sectors such as agriculture and social services.

60. On 30 January, the World Bank announced that Burundi had met the conditions for the completion point under the Heavily Indebted Poor Countries initiative. As a result, 92 per cent of Burundi's debt owed to the World Bank and IMF will be cancelled. In a related development, the Paris Club announced on 11 March the cancellation of Burundi's $134 million debt, representing the totality of the country's debt to Paris Club creditors.

61. On social matters, starting in November, the country's health-care unions launched a series of strikes requesting salary increases and a review of their status. In order to facilitate negotiation with the unions, the Government nominated a mediator in February. This led to the signature in April of two agreements between the Government and certain health-care unions on the special status of health workers and their salary and conditions of service. However, the medical doctors' unions expressed reservations about the second agreement and continued their strike. Protracted negotiations between the Government and the medical doctors' unions remained inconclusive.

V. Technical assessment mission

62. The Assistant Secretary-General for Peacekeeping, Edmond Mulet, led a multidisciplinary technical assessment mission, which visited Burundi from 2 to 12 March. Participants in the mission included representatives of the Department of Peacekeeping Operations, the Department of Political Affairs, the Peacebuilding Support Office, OHCHR, UNDP and the Development Operations Coordination Office. Representatives in Burundi of UNDP, UNHCR, UNICEF and the World Health Organization also participated in the work of the mission. The World Bank participated as an observer.

63. The technical assessment mission consulted a broad spectrum of national stakeholders, including President Nkurunziza, the Ministers of External Affairs, Public Security, the Interior, Justice, Human Rights and Gender, Good Governance

and National Solidarity, the Presidents of the National Assembly and the Senate, the Chief of Staff of the National Defence Forces, the Military Prosecutor, the Director General and Inspector General of the Burundian National Police, presidential advisers, the head of the Technical Coordination Team for disarmament, demobilization and reintegration, the head of the Burundian Bar Association, Government members of the Joint Steering Committee for Peacebuilding, members of the National Commission for Civilian Disarmament, representatives of political parties, representatives of Burundian civil society and religious groups as well as some of the Bashingantahe, a group of elders practising traditional means of conflict resolution.

64. The technical assessment mission also met with the Special Representative of the Chairman of the African Union, the Executive Secretary of the International Conference on the Great Lakes Region, the resident representative of the World Bank, the European Commission representative, other representatives of the diplomatic community, the head of the Joint Verification and Monitoring Mechanism and members of international non-governmental organizations. In addition, the mission visited the Rubira assembly area in Bubanza Province, where FNL elements have gathered for disarmament, demobilization and reintegration, and Ngozi Province, where one of the three BINUB field offices is located.

A. Assessment of the overall situation

65. The technical assessment mission took note of the significant breakthroughs in the peace process that occurred during and after its visit and the encouraging developments with regard to preparations for the 2010 elections. Despite the progress achieved, however, the mission assessed that the situation in Burundi remained fragile and the processes of consolidating peace and security continued to face some challenges, especially given the issues associated with the following processes, already described in earlier sections of this report: (a) the disarmament, demobilization and reintegration of FNL combatants and the integration of some of them into the Burundian security forces, coupled with the need to address the longer-term reintegration of this caseload and previously demobilized combatants, as well as returning refugees and others; (b) preparations for the 2010 elections; and (c) national consultations on the establishment of transitional justice mechanisms. These challenges are further compounded by the increasingly difficult socio-economic situation in Burundi, including the global food crisis and environmental stress.

66. The technical assessment mission noted that a number of the national institutions foreseen by the Constitution that could contribute to conflict prevention, such as the Office of the Ombudsman, the National Security Council, and the National Council for National Unity and Reconciliation, either have not yet been established or are not operational and may need support to strengthen their independence and effectiveness. This also includes other institutions which the Government has pledged to establish, notably the Independent National Human Rights Commission.

67. Recent progress in the peace process means that many of the risks associated with delays in the implementation of the Comprehensive Ceasefire Agreement have diminished. Nevertheless, the technical assessment mission also determined that the

electoral period presents a number of challenges with respect to sustaining the gains achieved in the peace process. Minimizing these challenges will require ensuring a credible process that will encourage wide participation, including by FNL, and contribute to broad acceptance of the polls' results.

B. Future direction of BINUB

68. In the light of the risks that could contribute to a reversal in progress made in the peace consolidation process, many stakeholders emphasized the need for continued United Nations engagement in Burundi. The technical assessment mission also recognized that, while most of the peace consolidation tasks have been completed, some challenges still remain, including the demobilization and reintegration of FNL combatants as well as the full integration of some of them into the defence and security forces.

69. The technical assessment mission assessed progress made on the benchmarks for implementation of the BINUB mandate set out in the addendum to the Secretary-General's seventh report on ONUB (S/2006/429/Add.1) and taken note of by the Council in resolution 1719 (2006). The benchmarks cover the following areas: (a) peace consolidation and democratic governance; (b) security sector reform and civilian disarmament; (c) human rights and justice; (d) information and communications; and (e) reconstruction and socio-economic development.

70. The Government indicated to the technical assessment mission that its priorities for continued United Nations support include these benchmarks. In this regard, the Government underlined the need for continued support in the security and justice sectors, human rights and good governance, and a number of key institutions, such as the Parliament. The Government also requested United Nations assistance in promoting a democratic culture and providing civic and human rights education, particularly in the lead-up to the elections. In addition, the Government emphasized the need to strengthen United Nations integration, coordination with national counterparts and resource mobilization for development in Burundi.

71. National counterparts and international partners emphasized to the technical assessment mission the need for United Nations electoral assistance for the 2010 elections. The Government of Burundi has yet to submit a request for electoral assistance, however. Consequently, the nature, extent and timing of any potential United Nations involvement remains unclear. Government representatives informed the mission that the first priority was likely to be assistance for the recently sworn-in Electoral Commission, which will conduct an overall assessment of the exact needs.

C. Priorities for mandate implementation

72. The technical assessment mission recommended that BINUB should begin, in the coming months, to shift focus and consider reconfiguring capacities and deepening integration. The following priorities were assessed in terms of mandate implementation and the future direction of BINUB:

(a) BINUB should balance the implementation of the political and strategic elements of its mandate with a more selective involvement in project execution, as

most of the activities funded by the Peacebuilding Fund draw to an end. In terms of any continued involvement in project activities, it was recommended that BINUB should focus on those related to political dialogue and enhancing confidence in the electoral process, conflict prevention, human rights, transitional justice, civilian disarmament and security sector reform. A number of these are areas in which the Government requested additional support.

(b) The technical assessment mission advised that some restructuring of BINUB or reprioritizing of tasks, within existing authorized resources, would be required for the Office to effectively respond to the evolving situation in terms of the peace process and elections as well as the Government's request for increased assistance in certain areas.

(c) The technical assessment mission agreed that BINUB should continue to use its facilitation mandate for political dialogue and conflict prevention, as well as to play a more proactive and strategic role in areas of critical importance to the peace consolidation process. BINUB would continue to carry out this mandate through the empowerment of national actors, and directly through the use of its good offices.

(d) The technical assessment mission recommended that BINUB and the United Nations system in Burundi, within their respective mandates, should more actively support the Government in increasing its coordination capacity and strengthening its leadership of specific coordination mechanisms.

(e) In order to increase the effectiveness of BINUB and the United Nations system, the technical assessment mission recommended that integration should be deepened through the following actions:

- Support for the Executive Representative of the Secretary-General in his role as Resident Coordinator for the United Nations system should be reinforced.
- The United Nations system, with BINUB, should define a "delivering as one" approach for the implementation of the new United Nations Development Assistance Framework (2010-2014).
- BINUB and the United Nations system should finalize a joint strategic communications and resource mobilization strategy.

(f) The technical assessment mission assessed that BINUB and the United Nations system should prioritize support for socio-economic reintegration, which is the link between disarmament, demobilization and reintegration and longer-term development. It was agreed that this is a priority area where alignment of partners should be further encouraged or facilitated.

D. The peace process and disarmament, demobilization and reintegration

73. The technical assessment mission was of the view that the continued engagement of the African Union and the Regional Initiative, including South Africa, remained critical to the sustainability and stability of the peace process and that follow-on arrangements for monitoring and accompanying the peace process through the electoral cycle were essential. The region's continued engagement will require support from the United Nations and the wider international community.

74. The technical assessment mission stressed the need to enhance coordination among the many partners involved in the disarmament, demobilization and reintegration process. The establishment of forums for dialogue and coordination on disarmament, demobilization and reintegration, facilitated or encouraged by BINUB, would help to address the coordination challenges. The mission and BINUB agreed that BINUB will use its good offices to advance the process, while also seeking to assist in re-establishing inclusive national platforms for the coordination and implementation of the disarmament, demobilization and reintegration process.

VI. Observations

75. During the period under review, Burundi has made commendable progress in the implementation of the Comprehensive Ceasefire Agreement and laying the foundations for holding free, fair and peaceful elections in 2010. In this improved political context, Burundi has an opportunity to conclude the implementation of the Comprehensive Ceasefire Agreement and continue to take steps to improve the human rights situation, including through fighting impunity and holding consultations on the establishment of transitional justice mechanisms. Much also remains to be done in achieving the other benchmarks endorsed in resolution 1719 (2006) with the establishment of BINUB, in terms of the reform of the justice and security sectors, civilian disarmament and democratic governance, as well as in support of community recovery. Progress in all these areas is necessary for creating a favourable environment for the upcoming elections, as well as laying the foundation for sustainable development.

76. I welcome the advances made by the Government of Burundi and FNL towards fulfilling the commitments of the Bujumbura Declarations of 4 December 2008 and 17 January 2009, in particular the formal disarmament of FNL and its accreditation as a political party. The renunciation by FNL of armed conflict is a significant development which paves the way for its participation in the democratic process. I urge the Government and FNL to pursue their efforts to address the remaining challenges in the implementation of the Comprehensive Ceasefire Agreement, in particular completing the demobilization of FNL combatants and integrating FNL into national institutions.

77. I commend the collaborative national and international efforts that led to the separation of children associated with FNL. In particular, I would like to thank the Government of Burundi, the leadership of FNL and other members of the international community who all contributed to this very encouraging step towards the release of all children associated with FNL and their reunification with their families.

78. I wish to express my deep gratitude to the African Union, the Regional Initiative for Peace, the South African Facilitation, the Political Directorate and other partners of Burundi for their unflagging engagement in supporting Burundi's peace consolidation efforts.

79. Although the mandate of the Facilitator is expected to end in June, the efforts of the region and the international community remain essential for the successful conclusion of the peace process. I welcome the indications that the Regional Initiative, including South Africa, will remain engaged in order to help monitor and

sustain the gains of the peace process through the coming period. With regard to the follow-on arrangements, I encourage the Regional Initiative to consider maintaining a high-level envoy such as the Facilitator. A continuous presence on the ground of such an envoy, at least for certain periods of time, would be beneficial.

80. I welcome the commitment made by the African Union and South Africa to extend, until its drawdown begins in June, the African Union Special Task Force, which is supporting the initial phase of the disarmament, demobilization and reintegration process for FNL combatants. Should the completion of this phase of the process be delayed beyond June, I strongly encourage the Government of South Africa and the African Union to consider the further extension of this arrangement.

81. In the light of the continuing challenges and uncompleted tasks identified in this report, I recommend that the mandate of BINUB remain unchanged at this time, with a primary focus on support for the conclusion of the peace process, facilitation, and support for peacebuilding, as well as other areas mandated by the Security Council in resolution 1858 (2008).

82. Many of the interlocutors of the technical assessment mission, including both national and international stakeholders, strongly recommended that BINUB be maintained at its full strength until after the conclusion of the 2010 electoral cycle. This would help to ensure the continuity of the United Nations engagement and support as Burundi continues to consolidate peace and security. I intend to consult the Government of Burundi regarding the United Nations presence beyond the expiration of the BINUB mandate in December 2009 and submit recommendations in my next report to the Security Council. While recognizing that the elections would represent an important milestone, planning for United Nations activities after the elections should begin substantially ahead of that date, to permit full consultation and adequate preparation, and should, inter alia, address the roles of all relevant parts of the United Nations system.

83. I commend the Government's establishment of the Independent National Electoral Commission through an inclusive consultation process which was an important first step towards building trust in the electoral process. I further encourage the Government to continue taking all necessary measures to create an environment conducive to the holding of free, fair and peaceful elections, including by promoting transparency and maintaining security. The United Nations reaffirms its availability to assist in this regard.

84. Much remains to be done for Burundians to be able to enjoy the full exercise of their human rights. I urge the Government to spare no effort in establishing the Independent National Human Rights Commission in compliance with international standards, as well as other relevant institutions aimed at consolidating national reconciliation and the rule of law.

85. I am concerned about the numerous reported instances of disruption of the activities of opposition political parties by officials affiliated to the ruling party. I encourage the authorities to treat all political parties equally under Burundian law and respect the right to freedom of expression and assembly enshrined in the Constitution and in accordance with international standards.

86. The persistent delays in the preparations for the national consultations on the establishment of transitional justice mechanisms are also of concern. The timely

holding of these consultations is critical to laying the foundation for national reconciliation.

87. In collaboration with all relevant partners, BINUB will continue to assist the Government to enact sector-wide security reforms and complete the disarmament, demobilization and reintegration process. The establishment by the Government, the World Bank and other partners of a transitional demobilization and reintegration mechanism following the closing of the World Bank Multi-country Demobilization and Reintegration Programme was a welcome development. I commend the various partners which have so far contributed to supporting the assembly, the verification, and the disarmament of the FNL combatants, as well as other preparatory tasks leading up to the demobilization and reintegration of those combatants, and the processing of adults associated with the movement. I encourage others to help to address the funding gaps that may remain. I also urge the Government, in collaboration with its partners, to elaborate a strategy for the sustainable reintegration of demobilized combatants, returning refugees, displaced persons and other vulnerable groups. Longer-term reintegration is necessary to consolidating the gains of disarmament, demobilization and other related processes.

88. Finally, I would like to express my sincere gratitude to all United Nations personnel, who, under the leadership of my Executive Representative for Burundi, Youssef Mahmoud, have continued to work tirelessly for the cause of peace in Burundi. My appreciation goes equally to non-governmental organizations and bilateral and multilateral partners for their steadfast commitment and generous contributions to Burundi.